

Direction: CITY1793.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, May 22, 2017, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Costa, Crowley, Erickson, Hatfield, Southworth.....Present
Andersen, Brown.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of May 8, 2017

Chairperson Erickson asked for any comments or modifications to the May 8, 2017 minutes.

Moved by Commissioner Hatfield, seconded by Commissioner Southworth, the Plan and Zoning Commission approved the May 8, 2017 meeting minutes.

Vote: Costa, Crowley, Hatfield, Southworth.....Yes
Andersen, Brown.....Absent
Erickson.....Abstain

Motion carried.

Item 2 – Public Hearings

2a – The Preserve on Grand, north and west of Grand Avenue across from the Raccoon River Park entrance – Amend the Comprehensive Plan Land Use Map to change the land use designation of the Grand Lakes Planned Unit Development (PUD) Parcel B to Medium Density Residential and Amend the Grand Lakes PUD to Change the Name of the PUD, Change the Zoning of PUD Parcel B to Single Family Residential, and Amend Provisions for PUD Parcel D to Allow a Prairie to Be Established - Diligent Grand 67, LLC – ZC-003431-2017

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on May 12, 2017

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Crowley, seconded by Commissioner Southworth, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Andersen, Brown.....Absent

Motion carried.

Jake Becker, McClure Engineering, 1360 NW 121st Street Suite A, Clive, IA, represented the developer in asking for an amendment to the Comprehensive Plan Land Use Map and an amendment to the Grand Lakes Planned Unit Development (PUD). The developer is requesting a PUD amendment to change the zoning designation of Parcel B from Neighborhood Commercial to Residential Medium Density (RM-6) to allow

for the construction of twin homes or duplex homes within this PUD parcel. Also, a storm water detention basin will be constructed to address storm water management for this area.

Regarding PUD Parcel D, previous plans featured a large pond in the open area; however after engineering design and contractor input regarding the sandy soil condition which is not conducive to holding water, the plan now is to install a large prairie area in place of the pond. With the change in the use of PUD Parcel D, the City no longer was obligated to acquire the parcel for storm water detention, therefore the PUD needed to be amended to reflect the change in use of the parcel and the provisions for maintenance and acquisition.

Commissioner Crowley asked who would be responsible for the maintenance of the prairie.

Mr. Becker stated the prairie would be owned and maintained by a Home Owner's Association (HOA). The HOA will be owned and maintained by the developer until the last single family lot is sold.

Harley Whitfield, 2425 Ridgewood Drive, felt that the commercial parcel would be good for the area. He also commented on the lack of sidewalks in the area.

Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Comprehensive Plan Land Use Amendment

Moved by Commissioner Hatfield seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a Comprehensive Plan Land Use Map Amendment to change the land use designation of PUD Parcel B to Medium Residential for the property located at the northwest corner of Grand Avenue and future Scenic Valley Drive subject to the applicant meeting all City code requirements.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

PUD Ordinance

Moved by Commissioner Costa seconded by Commissioner Crowley the Plan and Zoning Commission adopt a resolution recommending the City Council approve an Ordinance amending the Grand Lakes Planned Unit Development (PUD) subject to the applicant meeting all City code requirements.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried

2b – Cascades at Jordan Creek Consistency Zoning, general located at the southwest corner of S. 81st Street and Cascade Avenue (8350 Cascades Ave) – Zone property consistent with the Comprehensive Plan Land Use Map – City Initiated – ZC-003465-2017

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on May 12, 2017.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other

documents received at this public hearing.

Moved by Commissioner Southworth, seconded by Commissioner Hatfield, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

Lynne Twedt, Director, discussed The Cascades at Jordan Creek, an apartment complex that has been under construction, showing on an illustration where the property was located. She stated four of the buildings are done and ready to be occupied. The City has received a request for a zoning compliance letter and as part of that the City recognized that the zoning of the property needs to be completed. When this development began, some of the surrounding property owners were looking to do adjustments to the street alignments, thus the City didn't complete comprehensive planning and zoning of the area at that time. Those discussions fell apart. This is to clean up to get the property zoned so they have a legal zoning basis. Ms. Twedt stated what they developed matches into the RM-12 zoning district.

Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the rezoning request for the purpose of consistency zoning the property located at the southwest corner of S. 81st Street and Cascade Avenue.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

2c – Brody Property, Immediately east/southeast of 601 Clegg Road – Amend Comprehensive Plan Land Use Map to change approximately 0.8 acres from Office (OF) to Single Family Residential (SF) and rezone the property from Office (OF) to Residential Single Family (RS-10), consistent with the Comprehensive Plan Land Use designation – Emmet Brody – ZC-003447-2017

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on May 12, 2017.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Costa, seconded by Commissioner Southworth, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

Brian Portz, Planner, explained the request for a Comprehensive Plan amendment and rezoning. The owner purchased this property to add onto his own lot and he wants to change zoning from office to residential.

He has placed a fence along the property line and changed the curb because the property was part of the parking lot for New Horizon's.

There is a requirement for a buffer between office and residential and the applicant is asking that the fence and existing trees be adequate for the buffer.

Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Comprehensive Plan Land Use Map Amendment

Moved by Commissioner Hatfield seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an Amendment to the Comprehensive Plan Land Use Map for 0.8 acres from Office (OF) to Single Family Residential (SF) with the following condition of approval:

1. The City Council accepting the existing 6' solid fence in combination with existing trees on the common property line to fulfill the 30' buffer requirement.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

Rezoning

Moved by Commissioner Hatfield seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the rezoning request for the purpose of consistency zoning 0.8 acres of property located east/southeast of 601 Clegg Road with the following condition of approval:

1. The City Council accepting the existing 6' solid fence in combination with existing trees on the common property line to fulfill the 30' buffer requirement.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

2d – Raccoon River Quarries PUD, Generally located South of F-90 (Raccoon River Drive) and west of Interstate 35 – Amend Raccoon River Quarries Planned Unit Development (PUD) to modify the extraction setback on the west side of the property – City Initiated – ZC-003466-2017

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on May 12, 2017.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent

Motion carried.

Brian Hemesath, Interim City Engineer, discussed that the City has been working with Martin Marietta on the construction of South Grand Prairie Parkway that includes the bridge across the Raccoon River through their property. The PUD dictates where the quarries can mine and requires that Martin Marietta dedicate the right of way to the City. It was found that the PUD language didn't match the City's design of the road. That required modifications to the road design and the limits of extractions. Mr. Hemesath showed the new extraction limits, pointing out they are very similar to what they were before and actually they are extracting less from the quarry than what was originally planned.

He stated there is also a minor change by the river; Martin Marietta requested that the setback of 150 feet from the overbank be changed to 50 feet. The request is to help compensate for the extraction area lost along the proposed road right of way.

Chris Nelson, 34151 Maffitt Lake Rd, stated he was the former president of the HOA there and is a land owner immediately adjacent to the property. He was opposed to this proposal to cut back space between the extraction limit and the river because the Hallett site creates significant noise in the neighborhood and any reduction in the amount of cut back will certainly increase noise in the neighborhood. He would like to see an increase to 500 feet from the river bank.

Mr. Nelson continued, in the Martin Marietta area there are a large number of very mature trees that are currently nesting and location sites for a number of American bald eagles. With the destruction of that habitat he stated residents fear the loss of wildlife.

He also discussed the long term usage, which has been proposed by Parks & Recreation for this area and felt that the trees along the river bank are a critical part of the habitat and would like to see that preserved. He respectfully asked the Commissioners to deny the changes and consider an amendment to a 500 feet setback from the river bank along the area on the east side specifically, of the PUD.

Chairperson Erickson asked Mr. Hemesath how mining operations are regulated relative to fish and wildlife service issues, stating if a developer came in there they couldn't knock down bald eagle habitats and he wanted to know if there was a different permitting process.

Mr. Hemesath showed in an illustration of what they are requesting to do and pointed out the actual extraction limit as it relates to the tree line located adjacent to the river. He explained the request is only on the west side which is a significant distance away from the location Mr. Nelson spoke about.

If we change the extraction limits or the setback to 500 feet it would be a significant impact to Martin Marietta.

Mr. Hemesath stated nothing in the PUD is changing as far as rock crushing, only the extraction limits to match what is required for the road.

Commissioner Hatfield asked Mr. Hemesath if he was certain the image he has illustrated is where the trees are or are not.

Mr. Hemesath stated to his knowledge the aerial is up to date.

Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing and asked for further discussion from the Commissioners.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an Amendment to the Raccoon River Quarries PUD to modify PUD language and illustrations relating to the extraction setback on the west side of the property subject to the applicant meeting all City code requirements.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

2e – Amendment to City Code, Title 9 – Amend Title 9, Chapter 6, Commercial, Office, and Industrial Use Regulations, Chapter 15, Off-Street Parking and Loading, and Chapter 16: Temporary Use Permits to regulate the sale and storage of consumer-grade fireworks – City Initiated AO-003476-2017

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on May 19, 2017.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

Lynne Twedt, Director, discussed the State of Iowa’s decision to allow cities to regulate regarding the use and sale of fireworks. At this time, the City will be opting out of the use but cannot prohibit the sale of fireworks. Director Twedt stated the proposed ordinance updates our zoning code as right now our zoning code does not allow the sale or use of fireworks.

The sale of fireworks would only be allowed in general industrial zoning districts and this includes retail sales, wholesale sales, and storage of fireworks. All three of those would be regulated under zoning. Parking for the retail sales of 10 stalls per 1,000 sf of store area has been added because it is expected there will be a high demand or high traffic impact for certain times of the day.

Director Twedt continued, most of the regulations for fireworks will be put into the fire or municipal code as part of the permitting process because we need immediate enforcement. She stated that we anticipate separation factors to be put into the code, so if someone is not abiding by that, the City needs to have that ability to shut them down and get them to abide immediately. Enforcement via the zoning code is a 30-45 day process.

Commissioner Costa asked Ms. Twedt if she knew what direction the surrounding suburbs were leaning towards.

Ms. Twedt stated most of them are allowing sales in the general industrial districts; however, some are not allowing them in temporary tents, only in permanent buildings.

Chairperson Erickson asked if there was further public comment, seeing none, closed the public hearing

and asked for further discussion from the Commissioners.

Moved by Commissioner Costa seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve an Ordinance to amend Title 9 (Zoning to regulate the sale and storage of fireworks).

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

There were three New Business items to address.

4a - The Preserve on Grand, north and west of Grand Avenue across from the Raccoon River Park entrance - Approval of a Preliminary Plat to Subdivide the Property into 72 Single Family Residential Lots, 20 Medium Density Residential Lots, One Outlot for Open Space, and Two Lots for Public Streets - Diligent Grand 67, LLC (PP-002060-2014)

Jake Becker, McClure Engineering, 1360 NW 121st Street, Suite A, Clive, IA, reviewed the preliminary plat with the Commission, noting the change of PUD Parcel B to Residential Medium Density for the construction of twin homes or duplex homes.

Chairperson Erickson asked if there was any intent to provide a trail connection for residents to Scenic Valley Park.

Mr. Becker stated there was one connection shown from the new single family residential to the east of the park. The applicant had tried to locate another connection from the south, but hydrologically no structure could reasonably be installed to provide the connection and not affect the storm water drainage way between the residences and the park.

Chairperson Erickson clarified he was inquiring about a more informal trail network, particularly within the prairie area, with the property being owned by members of the HOA he wanted to know what was the benefit to them.

Mr. Becker stated currently there was no plan for trails or paths within the prairie area.

Commissioner Hatfield asked if Planner Tragesser had any comments regarding the installation of trails in the prairie area.

Ms. Tragesser stated staff has enabled the possibility of trails or paths through the PUD amendment. She stated staff has not formally requested it as part of the public trail system but staff certainly enabled it through a PUD.

Bill Hickok 1222 S 24th Ct, stated his home is located on the east side of the northeast corner of the park. His question was would park connections be on Lots 51-56A.

Tragesser, responded the connection may go across some of the lots.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a Preliminary Plat to subdivide property into 72 single family residential lots, 20 medium density lots, two outlots for open space, and two lots for public streets with the following conditions of approval:

1. The applicant providing final drawings of the preliminary plat which addresses staff comments, prior to the construction of any improvements on the site and prior to the final plat proceeding to the City Council for approval, except for grading approval to commence grading on the site.
2. That the amendment to the Planned Unit Development must be approved prior to approval of the final plat by the City Council.
3. Applicant acknowledging that the associated Final plat must be approved and released for recordation by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits for any lot within the plat.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

4b – Jordan Creek Professional Plaza, 1121 Jordan Creek Parkway – Subdivide the property into two lots for commercial development and approval of a site plan to construct a 9,322 sq. ft. dental office building and a 8,073 sq. ft. multi-tenant building – Downing Construction, Inc. (PP-003410-2017/SP-003409-2017)

Ed Arp, Civil Engineering Consultants, 2400 86th Street Unit 12, Des Moines, IA, represented Downing Construction. He showed a vicinity sketch noting that the proposal is to subdivide the existing parcel into 2 lots. The minimum lot acreage is one acre. Lot 1 will be one acre and Lot 2 will be a little larger.

Mr. Arp discussed access stating the street to the east is a private street and that was developed in conjunction with R&R Realty and the public street to the north is Office Plaza Drive. The developer will be using the existing entrance point and easement that goes into Culver's and also have an access point out to 72nd Street tying in directly across from the apartments that R&R Realty has completed.

He stated they are in agreement with staff recommendations. He noted one issue. On the original design the drive went all the way out to 72nd Street, however there is a restriction with the construction of 72nd Street with R&R that there would only be one connection and that it had to be across from any existing connection. Mr. Arp stated they discussed that with Mike Whitsell, Fire Marshall and he was comfortable with it from the standpoint that it will be employee parking and there will be signage stating no outlets on both sides of the driveway.

Mr. Arp then provided illustrations showing the building massing, stating some of the building materials are being finalized so they will match up with the rest of the PUD.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Jordan Creek Professional Plaza Preliminary Plat and Site Plan for the purpose of subdividing the property into two lots for commercial development and approving a site plan to construct a 9,322 sq. ft. dental office building and an 8,073 sq. ft. multi-tenant building with the following conditions of approval:

1. That the City Council allow the south dead end drive to exceed 250 feet, with no access to 72nd Street.
2. That the applicant continue to work with staff on the colors and materials of the concept elevations to comply with the PUD and present a complimentary and compatible design between the two buildings.
3. That final preliminary plat/site plan documents addressing remaining staff comments and final building elevations addressing screening of roof top mechanicals be submitted prior to any site work, except rough grading of the site and demolition of existing structures.
4. Applicant acknowledging that the associated Final plat must be approved and released for recordation by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits for any lot within the plat.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

4c – Della Vita Townhomes Phase 1, Northwest corner of EP True Parkway and 88th Street – Approval of a site plan to construct 54 townhome units – Della Vita, LLC – SP-003407-2017

Emily Harding, Civil Design Advantage 3405 SE Crossroads Drive, Grimes, IA representing Della Vita, LLC stated the request is for the Della Vita Townhomes Phase 1 site plan which will be located west of 88th Street and north of EP True Parkway. The development includes 54 townhomes, including detached units, two-plexes and four-plexes. Ms. Harding was in agreement with staff conditions of approval.

Chairperson Erickson asked Ms. Harding to explain the temporary road issue.

Ms. Harding stated there is a temporary access drive and it connects to Wendover Lane which is an existing gravel roadway. She showed on illustrations where Wendover Lane and Wendover Road come up and connect to 88th Street. Ms. Harding continued stating that the fire department wanted a secondary connection and they wanted it to be paved. She said it will be six inches of hot mix asphalt or Portland cement concrete.

Chairperson Erickson asked if the intent was to build the entire plat including the temporary connection now to which Ms. Harding responded affirmatively.

Brian Portz, Planner, stated he had nothing further to add and recommended approval.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Costa seconded by Commissioner Southworth, the Plan and Zoning Commission adopt a resolution recommending the City Council approve a Site Plan for Medium Density Residential development with the following conditions of approval:

1. The applicant acknowledging that appropriate secondary access to Wendover Lane, acceptable to the Fire Marshal, must be in place prior to issuance of building permits.
2. The applicant acknowledging that useable roadways necessary to access a dwelling building as determined by the Fire Marshal will need to be available prior to issuance of any occupancy permits, including temporary occupancy permits for dwellings within each building.
3. The applicant acknowledging that if future phases are not constructed, or not constructed in a timely fashion, the assigned building numbering may need to be adjusted. Said adjustments may affect buildings already occupied which will result in address changes for the residents.
4. The applicant acknowledging that as other phases of this development move forward, additional elevation versions for the multi-family building types will be developed to maintain the variety and character of the development.
5. The applicant acknowledging that the Della Vita Final Plat shall be approved by the City Council prior to the issuance of any building permits on the site.
6. The applicant acknowledging that the required 30' buffer along the north property line shall be installed prior to any certificate of occupancy being issued, including temporary occupancy, for those townhome units located directly adjacent to the buffer area. Specifically, no certificate of occupancy will be issued for units 34 – 65 until the buffer is completely installed and inspected by the City.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen, Brown.....Absent
 Motion carried.

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson asked for a motion to adjourn the meeting.

Motion by Commissioner Hatfield, seconded by Commissioner Crowley, to adjourn the meeting.

The meeting adjourned at 6:16 p.m.

Craig Erickson, Chairperson

Juanita Greer, Recording Secretary